

MINUTES

RANDOLPH COUNTY PLANNING BOARD

September 14, 2010

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, September 14, 2010, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Chris McLeod** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the members: Chris McLeod, Chairman, present; Reid Pell, Vice Chairman, present; Larry Brown, present; Phil Ridge, present; **Jim Rains, absent**; Wayne Joyce, present; and Danny Shaw, present.
3. **Pell** made the motion, seconded by **Joyce**, to **approve** the Minutes of the August 3, 2010 Randolph County Planning Board meeting. The motion passed unanimously.
4. **SPECIAL USE PERMIT REQUEST:**

Swearing in of the Witnesses - "Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God."

One person took this oath.

RICHARD WILLIAMS, Asheboro, North Carolina, is requesting a Special Use Permit for a Rural Family Occupation to obtain a dealers license and operate a small automotive sales lot from an existing 30' x 48' building at his residence located at 6053 Pisgah Covered Bridge Road, 51 acres, Union Township, Rural Growth Area, Zoning District RA, Tax ID# 7645264144.

Williams was present and explained to the Board that he has lived here since 1982. Williams said that he operates a small repair business at this location. Williams said that he wholesales cars and this would allow him to move his license from his dealership in Asheboro to his home. Williams said that he closed his business on North Fayetteville Street in November of last year. Williams said he was at that location for 34 years.

There was no one present in opposition to this request.

Brown made the motion, seconded by **Pell**, to **approve** this request for a Special Use Permit. The motion passed unanimously.

5. **REQUEST FOR PROPERTY REZONING:**

GARY MORRIS, Sophia, North Carolina, is requesting that 2.03 acres located at 1827 Benton Road Extension, Back Creek Township, be rezoned from RM to RBO-CD. Tax ID# 7743299656. Secondary Growth Area. The proposed Conditional Zoning District would specifically allow the construction of a 65' x 100' building to operate a towing business.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the 2009 Growth Management Plan adopted by the Board of County Commissioners. The Technical Review Committee recommends to the County Planning Board that this request be **approved** as consistent with the Growth Management Plan.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 4.3 Individual Rural Business or Highway Commercial rezoning decisions will depend upon the scale of the proposed development as it relates to the specific site and location weighed against the impacts to adjoining rural land uses.

Policy 4.6 Compatible land uses such as rural neighborhood retail and service establishments located close to general residential areas should be considered during the rezoning process with the general goal of reducing automobile travel distances and promoting better livability in the community.

Morris was present and explained his plans to move his business from Hub Morris Road to this property next to his residence. **Morris** said that he has 3 tow trucks and has been in this business for 20 years. **Morris** provided a petition of support from his neighbors. **Morris** said that he plans to maintain all the storage inside the building.

There was no one present in opposition.

Brown made the motion, seconded by **Ridge**, to recommend to the Commissioners that this be **approved**. The motion passed unanimously.

6. **REQUEST FOR SMALL AREA PLAN:**

Jerico Road Small Area Plan: All parcels on Jerico Road, SR 1412, Tabernacle/Back Creek Townships, extending 1000 ft. from the center of Jerico Road. The proposed Small Area Plan would include minimum of 3 acre lots; 50 ft.

building setbacks; 200 ft. lot width on Jerico Road frontage; and a lot width to depth ration of no depth greater than 4 times the width. Existing parcels less than 3 acres would be exempt from these proposed rules.

- **Technical Review Committee Recommendation**

The Technical Review Committee has reviewed the application for Small Area Plan designation of Jerico Road. The Technical Review Committee recommends to the Planning Board that the request for designation be **denied**. The following growth management considerations were factored into this recommendation:

Existing Growth Management Policies that support the recommendation of denial of this Small Area Plan request are as follows:

Policy 8.4 The County should approach land use and economic development decisions, not as isolated individual issues, but as part of a larger interconnecting framework of building sustainable growth within Randolph County.

Policy 6.13 Conventional Residential subdivisions are anticipated of similar housing characteristics to the community.

- Jerico Road was designated a Secondary Growth Area in 2002. This was because of the close proximity of public water lines, and also the established pattern of major single family site-built residential developments previously planned or approved in the area.
- Existing growth management and zoning regulations are sufficient to ensure the orderly development of this area. Conventional residential subdivisions have been approved by the Board of Commissioners fronting Jerico Road.
- The recent denial of a conventional site-built residential subdivision along Jerico Road appeared to be concern about the numbers of driveway connections due to minimum lot width of 100 ft. and the road curves and hills located at the major point of proposed development.
- Although there are still elements of Jerico Road that highlight the exceptional rural character of the viewshed, the road is not unique from many other similar sites in Randolph County.

Johnson gave the Board a brief update on the purpose of the Growth Management Plan and reviewed some of the conditions that existed in the late 1990's and early 2000 that highlighted the need for a plan. Johnson reviewed a map of the growth areas currently

established in Randolph County and a provided some background information as to the purpose of the following growth management areas: Municipal Growth; Primary Growth; Secondary Growth; and Rural Growth Areas. Johnson said the Growth Management Plan was first adopted in February, 2002. Johnson said that although the Growth Management Plan is designed to provide general guidance to boards when making land use decisions, individual rezoning decisions often are dependent upon the scale of a proposed development as it relates to a specific site and location. Johnson stated that although conventional residential subdivision developments had been previously approved by the Commissioners along Jerico Road and Earnhardt Road, the latest subdivision rezoning request was denied due to the proposed density not being compatible with the specific site and location along Jerico Road. Johnson said a Small Area Plan is a method of identifying unique characteristics within a community and determining whether appropriate land use tools are in place for managing future growth and development. A key component of the Small Area Plan is the active involvement of landowners. Johnson said a petition signed by most citizens along Jerico Road is requesting that special zoning standards be applied to an area 1000 ft. from Jerico Road on both sides of the road. Johnson said that the only Small Area Plan that has been approved by the Commissioners is the Birkhead Wilderness Area of the Uwharrie National Forest. Johnson commended the citizens along Jerico Road for the very thoughtful and professional manner in which they have prepared their request for Small Area Plan consideration.

Charlie Game, 1616 Savannah Drive, Asheboro, said that he owns 89 acres on the southern end of Jerico Road and 16 acres on Savannah Drive. Game said that the interest in requesting a Small Area Plan grew as a result of the recently planned major residential subdivision that was subsequently denied by the Board of County Commissioners. Game said many of the neighbors felt that there were unique and special characteristics of Jerico Road that could best be protected by the establishment of a Small Area Plan. Game said that many of the families who signed the petition had been residents of Jerico Road for many generations. Game said that the Planning Board has a copy of the citizens petition, and comments at tonight's meeting are intended to be on point and brief.

Ann Poole, 756 Jerico Road, said that they are co-owners in an alpaca farm on Jerico Road. Poole said that she has lived here on Jerico most of her life. Poole said that they live in a very unusual area. Poole said that her family has owned this farm for 8 generations. Poole said that many of her family members live on the family farm. Poole said that they have 32 alpacas and foster and care for others. Poole said this is not a hobby, it is a business. Poole said that LIFT comes out to the farm at least once a year. Poole said that their property is used for field exercise by the military. Poole said that they have been featured in Carolina Country Magazine. Poole said that they are also beekeepers. Poole said bees are endanger. Poole said that there is also two working horse farms on this road. Poole said that horses and wildlife are found using the road.

Poole asked the Board not to allow this land to be ruined. Poole said they find arrowheads here and it was an Indian trade route. Poole said they have no resident on Jerico Road in opposition to this request. Poole said they are not talking about house size, they just want their rural community.

Melinda Lamb, 2192 Jerico Road, quoted several statements by Hal Johnson when he spoke to a group of Randolph Community College students several years ago. The statements involved the urgency of good land use policies and that our current generation would be the last with the opportunity to have impact due to the high levels of growth occurring in rural areas. Lamb said those statements were particularly relevant to this request for a Small Area Plan. Lamb said that she feels this proposed plan is very innovative, and is designed to protect the community from incompatible growth. Lamb said that the Planning staff had initially been supportive of the plan, but now expressed opposition through the Technical Review Committee. Lamb said that Caraway Creek makes this area unique. Lamb said the small area plan would allow the rural country land along the existing road and allow small residential lots back off Jerico Road. Lamb said this is an innovative plan. Lamb said they would like to see development like the open space development on Beeson Farm Road. Lamb said that Jerico Road has bookends. Lamb said that on the Jarvis Miller Road there is a polo arena and on the Earnhardt Road end is another horse arena. Lamb said that Jerico Road has more animal residents than human residents. Lamb said that she realizes that the Planning Staff doesn't recommend that this plan be approved but she is optimistic.

Patrick Tucilla, 1873 Jerico Road, said that he was looking for a special place to relocate in North Carolina. Tucilla said that he is the newest resident on the road of approximately 30 days. Tucilla said that he is in favor of the plan and feels that it is very lenient. **Pell** asked if he knew of the rezoning before he purchased the home, and **Tucilla** said no but he felt that due to the deed restrictions on the property, he felt he was protected.

Joe Rawley, 2252 Jerico Road, said that there are approximately 8 families present that are elevated above the road and it would not be cost effective to have public water. Rawley said that they are not opposed to residential development on Jerico Road, but they are concerned about highly aggressive development on this road. Rawley said that this petition is a result of the rezoning request that came before this Board for 19 home sites within 3/10 mile. Rawley presented a map with red markings of the property owners along Jerico Road that have signed the support petition for this request. Rawley said that there is no one present that lives on Jerico Road that opposes this request. Rawley discussed his disagreement with the TRC's recommendation. Rawley said that this road is 3 miles long and he didn't think this could be considered an isolated area. Rawley said that the small area plan could alleviate the residents of this road having to come to each rezoning request hearing for proposed conventional subdivisions. Rawley

said that this is an ideal zoning opportunity to protect the community. Rawley said that all the residents within a 3 mile stretch are in agreement of this plan. Rawley said there will still be developers that will see development opportunities on Jerico Road. Rawley said this community is trying to do their part to protect their community. Rawley said this is not a radical proposal and would protect rural growth that exists throughout the County.

Brown asked Rawley if he was present for any public meeting for the Growth Management Plan hearings in 2002. **Rawley** said no, he was living outside the County at the time. Rawley said that he's neighbors didn't remember being notified of any meetings. Rawley said that it was his understanding that the first draft of that plan showed Jerico Road to be in a Rural Growth Area. Brown said he was not being critical, but the original plan had some areas with minimum lot sizes larger than 3 acres and the public was not there to support such a plan.

Larry McKenzie, 1087 Bunting Road, said that this is a beautiful area. McKenzie said that these are impossible requirements being proposed. McKenzie said that 3 acre lots with 200 ft. of road frontage would be impossible for most County citizens to afford. McKenzie said if this was a 2 acre lot size proposal with 150 ft. of frontage he wouldn't even be here. McKenzie said that the 3 acre lot would be \$30,000 at cost to the developer (with no profit).

Johnson said as a County Planning Director he deals with conflict. Most issues that come before local governments have people for and against, and the county sometimes struggles to find compromise when making land use decisions. Johnson commended the citizens for the thoughtful manner in which they had made their presentation. Johnson said this is exactly the purpose of the Small Area Plan which is to provide an opportunity for long term land use planning. Johnson said that after meeting with some community residents, he had tried to provide the citizens of Jerico Road with their available options after the recent denial of a major subdivision development. Those options were to request a Small Area Plan or to request a change in the Secondary Growth Area classification in the Growth Management Plan. The Small Area Plan seemed the best option. The role of the Technical Review Committee is to review each request and make technical recommendations to the County Planning Board. The Planning Board does not have to accept these recommendations. Johnson said that most counties around Randolph County approve subdivisions by right with no public hearing process. Johnson said that many times the fact that Randolph County requires public hearings to development subdivisions is taken for granted. Johnson said that we are the first County to ever require rezoning for major subdivision development. Johnson said that he is very proud of Randolph County and the innovative planning issues and tools used. Johnson said that the Planning Staff and the Planning Board have tough decisions. Johnson said that the process is working like it is suppose to work and after this Board makes a

recommendation, the request will go to the Commissioners for their decision.

Darren Allen, County Attorney, said that one thing to keep in mind is this would be a change of the zoning map. **Brown** said he thought this was the first small area plan. **Allen** explained to Brown that there has been a plan adopted in the Birkhead Wilderness Area of the Uwharrie Forest.

Pell said he thought the Commissioners had spoken in favor of this area.

Allen asked how many lots would be non-conforming. **Johnson** said we don't have that information available at this time.

Pell said that if this is approved, we will continue to get many more of these plans. Pell said that everyone feels their area is unique and special.

Ridge said that he feels there should be responsible growth, but there should be flexible growth regulations. Ridge said that we should not create restrictions to isolate an area and we should consider land owner rights. Ridge said there are many unique scenic areas in the County. Ridge said the County has to be open to future development and we have to have faith in our Commissioners, zoning staff and the zoning process. For these reasons, Ridge made the motion, seconded by Pell, to deny this request for a Small Area Plan zoning designation. The motion passed unanimously.

7. The meeting adjourned at 7:53 pm. There were 30 citizens present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary